

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Monday 9th October, 2017

No. 471

**GOVERNMENT OF SIKKIM
ENERGY & POWER DEPARTMENT
GANGTOK.**

No. 32/GEN/R&C-L/R/CIR/E&P/15-16/55

Dated: 06.10.2017

NOTIFICATION

In exercise of the powers conferred by clauses (g), (h) and (j) of sub section (2) of Section 180 read with section 103, 104 and 106 of the Electricity Act, 2003 (36 of 2003), the Government of Sikkim hereby notifies the following Rules: -

- 1 Short title and commencement**
 - (1) These Rules may be called the 'Sikkim Electricity Regulatory Commission (Fund, Annual Accounts, Audit and Budget) Rules, 2017'.
 - (2) These Rules shall come into force on the date of their publication in the Official Gazette of the Government of Sikkim.
- 2 Definitions**

In these rules, unless the context otherwise requires, -

 - (1) 'Act' means the Electricity Act, 2003; (36 of 2003)
 - (2) 'Annual Accounts' means for each financial year, the following statements, namely,
 - a. Balance Sheet
 - b. Income & Expenditure Account
 - c. Schedules to the above Financial Statements
 - d. Instructions and Accounting Principles
 - e. Notes and instructions from the Schedules
 - f. Statement of Receipts and Payments
 - (3) 'Form' means a form appended to these rules;
 - (4) 'Fund' means the Sikkim Electricity Regulatory Commission Fund to be maintained as per Rule-3;
 - (5) 'Secretary' means the Secretary of the State Commission;

- (6) 'State Commission' means the Sikkim Electricity Regulatory Commission constituted under section 82 of the Act;
- (7) 'State Government' means the Government of Sikkim
- (8) 'Chairperson' means the Chairperson of the Sikkim Electricity Regulatory Commission;
- (9) 'Drawing and Disbursing Officer' means an officer designated as such by the Commission to draw and make payments on behalf of the Commission;
- (10) 'Member' means the Member of the Sikkim Electricity Regulatory Commission and includes the Chairperson;
- (11) 'Accounts Officer' means an Officer responsible for maintenance of Accounts and preparation of Annual Accounts and Budget of the State Commission, as nominated by the Chairperson of the State Commission;
- (12) 'Audit Officer' means the Comptroller and Auditor General of India or any Officer appointed by him in connection with the audit of the Accounts of the State Commission;
- (13) 'Accounting period' means the period for which the accounts have to be prepared by the State Commission and shall be concurrent with the financial year;
- (14) 'Financial year' means a period not exceeding twelve calendar months commencing on 1 April of a year and concluding on subsequent 31 March;
- (15) 'Budget' means the statement of estimated income/expenditure of the State Commission prepared as per Section 106 of the Act;
- (16) Words and expressions used and not defined in these Rules but defined in the Act, shall have the same meanings as assigned to them in the Act.

3 Constitution of the Fund

- (1) The State Government hereby constitutes a Fund to be called the Sikkim Electricity Regulatory Commission Fund.
- (2) The Fund shall be opened under the Public Account of State under the head 8235-General and other reserve fund -200- other fund -04- Sikkim Electricity Regulatory Commission Fund and this shall be a non-lapsable and non-interest bearing account.
- (3) The State Commission shall, by the 30th September of each year, or as and when sought by the administrative department, submit to the State Government its requirement of funds for the next financial year taking into account the estimated receipts of the Commission.
- (4) The State Government may, after due appropriation made by the Legislative Assembly, make to the State Commission, grants and loans of such sums of money as the State Government considers necessary after having due regard to the requirement communicated by the State Commission under sub-rule (3) in the Demand of the Energy and Power Department.

- (5) The Fund shall comprise of the following, namely: -
- (a) any grants and loans made to the State Commission by the State Government under section 102 of the Act;
 - (b) all fees including licence fees, petition fees, processing fees, fines and other sums received by the State Commission under the Act;
 - (c) all sums received by the State Commission from such other sources as may be decided upon by the State Government from time to time.

4 Application of the Fund

The Fund shall be applied for meeting; -

- (a) the salary, allowances and other remuneration of the Chairperson, Members, Secretary, Officers and other employees of the State Commission. Expenditure of the various allowances shall be as per the Rules of the State Government in force from time to time;
- (b) the expenses of the State Commission in discharge of its functions under section 86 of the Act;
- (c) The expenses on the objects and for the purposes authorised by the Act in accordance with the Budget for the financial year submitted by the State Commission under Rule 9 below. The details of expenditure heads are given in the Appendix-A annexed to these Rules;
- (d) Any expenditure in excess of the approved Budget shall be met by the State Commission from its own resources;
- (e) After the end of financial year, the State Commission shall submit the duly audited accounts to the State Government.

5 Transfer of the Fund to the Public Account

The Energy and Power Department shall arrange to transfer the amount in the Public Account once in a year through transfer entry after the same is passed by the Sikkim Legislative Assembly. The Secretary, Energy & Power Department is the competent authority for the same.

6 Release of amount from the Fund

- (1) The State Commission shall seek release of amount from the Fund against (its annual budget) the balance in the Public Account twice (in the month of April and September) in a financial year. Upon receiving such a requisition from the State Commission, the State Government shall; -
 - (a) transfer the appropriate part of the sums of grants and loans for the State Commission (approved by the Legislative Assembly in the annual budget of the Energy and Power Department) from the Public Account to the Fund and simultaneously;
 - (b) release the amount as requisitioned from the Fund to the State Commission by account payee cheque or any other electronic mode of transfer through its Pay and Accounts Office.

5. Within three months after the end of the financial year, the Accounts Officer shall prepare the Annual Accounts of the State Commission and submit the same to the State Commission for approval. On approval by the State Commission, the Annual Accounts shall be sent to the Comptroller and Auditor General of India (CAG) or any other person appointed by him, for audit.
6. The Annual Accounts of the State Commission shall be authenticated by the Chairperson, one member dealing with the Finance and the Secretary of the State Commission.
7. The State Commission shall maintain the following records of accounts in the Formats prescribed as under:

Cash Book (Form-VI)

Ledger (Form-VII)

Stock Register (Form-VIII)

Fees Register (Form-IX) Assets register (Form-X)

(All the forms and schedules should be signed by the Secretary and Accounts Officer)

These books of accounts and other relevant records shall be kept in the State Commission's Office. It shall be the responsibility of the Accounts Officer to ensure that the books of accounts and other relevant records are properly maintained and securely preserved in safe custody and produced to Audit as and when required.

12 Audit of the Annual Accounts

- (1) The annual accounts of the Commission shall be audited as per the provision of section 104 of the Act.
- (2) The annual accounts of the State Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor General of India.
- (3) The annual accounts of the State Commission as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with audit report thereon shall be forwarded annually to the State Government by 30th September each year by the State Commission to enable the State Government to place the audit report before the Legislative Assembly.
- (4) The Comptroller and Auditor General of India or any other person appointed by him in this connection for the audit of the annual accounts of State Commission shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of Government accounts and in particular shall have the right to demand books, accounts connected vouchers and other documents and papers and to inspect any offices of the State Commission.

- 13 Investment of surplus Funds** (1) The State Commission shall invest such amount available in the bank account from time to time as referred under Rule 7(1) in short term or long term deposits in any scheduled commercial banks in order to ensure suitable returns on surplus amount.
- (2) The income earned on the investment of money from time to time shall form part of the Fund.
- 14 Closure of fund** (1) The Fund shall remain in the operation so long as the relevant provisions of Act remain in force.
- (2) At the time of closure of the Fund, when the Fund is no longer required, all the unspent balance under the Fund shall be remitted to the Government Treasury.
- 15 Power of removing difficulties** If any difficulty arises in giving effect to any of the provisions of these Rules, the State Government may by general or special order, do anything not being inconsistent with the provisions of the Act and the Rules made there under which appears to it to be necessary or expedient for the purpose of removing these difficulties.
- 16 Internal Audit** (1) The purpose of internal audit, as an independent function outside the function of accounts keeping, is to ensure that the accounts of the State Commission and the financial records like, cash book, ledgers, stock and assets registers are maintained regularly and correctly and kept up-to- date.
- (2) Internal audit of the State Commission shall be entrusted to a person of the State Commission designated by the Chairperson or to a firm of Chartered Accountants.
- 17 Power to interpret these Rules** The Power to interpret these Rules shall vest with the State Government and their interpretation shall be final.

**PCE cum Secretary
Energy & Power Department
Government of Sikkim**

FORM – I
Revised Estimates of (Current Year)/
Budget Estimates of (Next Year)

Head of Account	Actuals for the previous year	Budget Estimates for current year	Revised Estimates for current year	Budget Estimates for Next financial year
1	2	3	4	5

Note1: Heads of Account shall be as per list at Appendix A

Note 2: Budgetary provisions shall be explained with detailed memoranda as listed at Appendix B.

FORM – II
Final Grant Statement (Financial Year)

Head of Account	Revised Estimates	Actuals of first 10 months	Requirement last 2 months	Total Final Grant	Net Savings/ Excess	Remarks
1	2	3	4	5	6	7

Note 1: Heads of Account shall be as per list at Appendix A.

Note 2: Budgetary provisions shall be explained with detailed memoranda as listed at Appendix B.

Appendix A

Detailed Heads of Account (with description) under which SERC shall furnish budget Statements and Explanatory Memoranda thereto:

A/c Description Code

M/H	Particulars	Amount
REVENUE		
1	Grants	
1.1	From Government	
1.2	From others	
2	Loans	
2.1	From Government	
2.2	From Others (specify)	
3	Recoveries from pay bills	
3.1	Principal amount of Loans and Advances	
3.2	Interest on Loans and Advances	
4	Fee and Charges	
4.1	Fee	
4.2	Charges	
4.3	Fines	
4.4	Sales of Publication	
4.5	Income on Investments and Deposits	
4.6	Gain on sale of assets	
4.7	Others (to specify)	
5	Gifts	
6	Seminars and Conferences	
	Total Revenue	
	Expenditure	
7	Chairperson	
7.1	Pay and Allowances	
7.2	Other benefits	
7.3	Travelling expenses	
7.3.1	Overseas	
7.3.2	Domestic	

- 8 Members
 - 8.1 Sitting Fee
 - 8.2 Travelling Expenses
 - 8.2.1 Overseas
 - 8.2.2 Domestic
 - 8.2.3 Other benefits
- 9 Officers
 - 9.1 Pay and Allowances
 - 9.2 Retirement Benefit
 - 9.3 Other benefits
 - 9.4 Travelling expenses
 - 9.4.1 Overseas
 - 9.4.2 Domestic
- 10 Staff
 - 10.1 Pay and Allowances
 - 10.2 Retirement Benefits
 - 10.3 Other benefits
 - 10.4 Travelling expenses
 - 10.4.1 Overseas
 - 10.4.2 Domestic
- 11 Hire of Conveyance
- 12 Fuel and Lubricants ✓
- 13 Wages
- 14 Overtime
- 15 Medical and Health Care Felicities
- 16 Bonus
- 17 Honorarium
- 18 Meetings of the Commission & Advisory Committee
- 19 Other Office Expenses
- 20 Expenditure on Research
- 21 Consultation fee
- 22 Seminars and Conferences and Workshop
- 23 Publications of SERC
- 24 Rent and Taxes

- 25 Interest on Loans
- 26 Training Programmes
- 27 promotional Expenses
- 28 Membership fee (Payable to the Forum of Regulators)
- 29 Subscription
- 30 Purchase of fixed assets
- 31 Investments and Deposits
 - 31.1 Investments
 - 31.2 Deposits
- 32 Loan & Advances
 - 32.1 To employees
 - 32.1.1 Bearing Interest
 - 32.1.2 Not-bearing interest
 - 32.2 To Suppliers and Contractors
 - 32.3 Others (to specify
- 33 Repayment of Loans
- 34 Others
 - 34.1 Leave salary and pension contribution
 - 34.2 Audit fee
 - 34.3 Miscellaneous
- 36 Repair and Maintenance
 - Buildings
 - Machinery and Equipment
 - Furniture and Fixture
 - Vehicles
- 37 Legal Charges
- 38 Hospitality Expenses

Appendix B

Explanatory Memoranda to RE/BE Statements of State Electricity Regulatory Commission

1. Statement showing grade wise details of establishment with provision sought therefore in the estimates, with actual establishment strength and cost thereof in previous year.
2. Estimates of individual projects/consultancies costing over Rs.5 lakhs indicating original cost, revisions if any and provisions sought for the project in the budget grants.
3. Details of Foreign exchange component in the Budget/Revised estimates.
4. Estimates of Revenue Receipts in Budget Year and previous year.
5. Statement showing financial results SSERC for the budget year and previous year.

Form III

FORM OF FINANCIAL STATEMENTS (NON-PROFIT ORGANISATIONS)

Name of Entity

BALANCE SHEET AS AT.....

<u>COPPUS/CAPITAL FUND AND LIABILITIES</u>	Schedule	Current Year	Previous Years
CORPUS/CAPITAL FUND	1	-	-
RESERVES AND SURPLUS	2	-	-
EARMARKED/ ENDOWMENT FUNDS	3	-	-
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5	-	-
DEFERRED CREDIT LIABILITIES	6	-	-
CURRENT LIABILITIES AND PROVISIONS	7	-	-
TOTAL		-	-
<u>ASSETS</u>			
FIXED ASSETS	8	-	-
INVESTMENTS - FROM EARMARKED/ ENDOWMENT FUNDS	9	-	-
INVESTMENT – OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC	11	-	-
MISCELLANEOUS EXPENDITURE (TO THE EXTENT NOT WRITTEN OFF OR ADJUSTED)			
TOTAL		-	-
SIGNIFICANT ACCOUNTING POLICES	24	-	-
CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS	25	-	-

Form IV

FORM OF FINANCIAL STATEMENTS (NON-PROFIT ORGANISATIONS)

Name of Entity

INCOME AND EXPENDITURE ACCOUNT FOR THE PERIOD/YEAR ENDED.....

(Amount-Rs.)

<u>INCOME</u>	Schedule	Current Year	Previous Years
Income from Sales/Services	12	-	-
Grants/Subsidies	13	-	-
Fees/Subscriptions	14	-	-
Income from Investment (Income on Investment from earmarked/endowment)	15	-	-
Funds transferred to Funds)		-	-
Income from Royalty, Publication etc.	16	-	-
Interest Earned	17	-	-
Other Income	18	-	-
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		-	-
<u>EXPENDITURE</u>			
Establishment Expenses	20	-	-
Other Administrative Expenses etc.	21	-	-
Expenditure on Grants, Subsidies etc.	22	-	-
Interest	23	-	-
Depreciation (Net Total at the year-end – corresponding to Schedule 8)			
Total (B)			
Balance being excess of Income over Expenditure (A-B)			
Transfer to Special Reserve (Specify each)		-	-
Transfer to / from General Reserve		-	-
BALANCE BEING SURPLUS (DEFICIT) CARRIED TO CORPUS/CAPITAL FUND		-	-
SIGNIFICANT ACCOUNTING POLICIES	24		
CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS	25		

Form. V

FORM OF FINANCIAL STATEMENTS (NON-PROFIT ORGANISATIONS)

Name of Entity

INCOME AND PAYMENTS FOR THE PERIOD/YEAR ENDED

(Amount-Rs.)

RECEIPTS	Current Year	Previous Years	PAYMENTS	Current Year	Previous Years
1. Opening Balances	-	-	1. Expenses	-	-
a) Cash in hand			a) Establishment Expenses (corresponding to Schedule 20)		
b) Bank Balance			b) Administrative Expenses (corresponding to Schedule 21)		
i) In current accounts	-	-			
ii) In deposit accounts	-	-			
iii) Savings accounts	-	-			
II. Grants Received			II. Payments made against funds for various projects		
a) From Government of India	-	-	(Name of the fund or project shown along with the particulars of payments made for each project)	-	-
b) From State Government	-	-			
c) From other sources (details) (Grants for capital & revenue exp. To be shown separately)	-	-			
III. Income on Investments from			III. Investments and deposits made		
a) Earmarked/Endow. Funds	-	-	a) Out of Earmarked/ Endowment funds	-	-
b) Own Fund (Oth. Investment)	-	-	b) Out of Won Funds (Investments-Others)	-	-
IV. Interest Received			IV. Expenditure on Fixed Assets & Capital Work-in-Progress		
a) On Bank Deposits			a) Purchase of Fixed assets	-	-
b) Loans, Advances etc.			b) Expenditure on Capital Work-in-progress	-	-
V. Other Income (Specify)	-	-	V. Refund of surplus money/ Loans		
			a) To the Government of India	-	-
			b) To the State Government	-	-
			c) To other providers of funds	-	-
			VI. Finance Charges (Interest)	-	-
VI. Amount Borrowed	-	-	VII. Other Payments (Specify)		
VII. Any other receipts (give details)			VIII. Closing Balances		
			a) Cash in hand	-	-
			b) Bank Balances	-	-
			i) In current accounts	-	-
			ii) In deposit accounts	-	-
			iii) Savings accounts	-	-
TOTAL	-	-	TOTAL	-	-

FORM -VI
(see Rule 11)

[illegible]

Signature of the Secretary

Signature of the Accounts Officer

FORM-VII
(See Rule 11)

Sikkim Electricity Regulatory Commission						
Performa for Ledger						
Account of						
Month & Date	Particulars	CBF	Debit (Rupees)	Credit (Rupees)	Balance (Rupees)	CR/DR

Signature of the Secretary

Signature of the Accounts Officer

FORM-VIII

(see Rule 11)

Sikkim Electricity Regulatory Commission						
Proforma for Stock Register						
Name of Article:-.....						
Month & Date	Particulars	Bill No.	Received value of the Bill No.	Issue No.	Balance Quantity	Remarks

Signature of the Secretary

Signature of the Accounts Officer

FORM-IX**(see Rule 11)**

Sikkim Electricity Regulatory Commission											
Proforma for Fee Register											
Sl. No.	Date	Name of Party	Mode of Payment			Petition	Licence	Panelty	Other Receipts	Total	Remarks
			Bank Draft No.	Name of the Bank	Cash						

Signature of the Secretary**Signature of the Accounts Officer**

FORM-X

(see Rule 11)

Sikkim Electricity Regulatory Commission									
Proforma for Assets Register									
	Gross Block			Depreciation			Net Block		
Particulars Of Assets	Balance at the beginning of the year	Additions during the year	Disposals during the year	Balance at the close of the year	Balance at the beginning of the year	Additions during the year	Balance at the close of the year	Balance at the beginning of the year	Balance at the close of the year

Signature of the Secretary

Signature of the Accounts Officer

